

FILED
UNITED STATES DISTRICT COURT
U.S. DISTRICT COURT
FOR THE DISTRICT OF MARYLAND
DISTRICT OF MARYLAND

UNITED STATES OF AMERICA

2021 JUN -7 PM 3:30

v.

Daniel Thomas Hersl

CLERK'S OFFICE
AT BALTIMORE

Criminal No. 1:17-cr-00106

BY _____ DEPUTY

**MOTION TO RECUSE SCHENNING, WISE AND HINES FROM CASE
EMERGENCY CONSIDERATION REQUESTED**

Daniel Thomas Hersl, (hereinafter "Hersl"), represents himself pro se and respectfully request the court to freely give leave so justice may be served. Due to his limited legal knowledge and difficulty in fully accessing resources in prison during the COVID-19 pandemic, Hersl respectfully request the court to construe this motion liberally. Hersl has prepared this motion in partnership with his family.

Illegal activity, malfeasance, and credibility issues associated with the USAO as stated prior in Hersl's 2255 motion have come to light. Also as previously brought out in Hersl's 2255 motion, during an appellate hearing on March 12, 2021, (*United States v. Paylor*, 1:14-cr-00271), Judge Thacker of the 4th Circuit questioned the honesty and fairness of the USAO. The judge asked whether the USAO's contradictory arguments were in the "best interests of justice." Also, in reference to her statement regarding the USAO talking out of both sides of their mouth, Judge Thacker asked, "What is going on?"

Therefore, to insure the integrity of what remains of the 2255 motion process and other future legal processes, Hersl request the Court recuse former Acting US Attorney Stephen Schenning, AUSA Leo Wise, and AUSA Derek Hines from further involvement with this case.

EMERGENCY SITUATION CONDITION: Within his 2255 motion, Hersl has proven his innocence by a chain of reasoning established by accepted truths that were not privy to the jury that convicted him. Hersl's conviction was due to prosecutorial misconduct of the USAO coupled with ineffective counsel. Both instances are crystal clear and self evident. With emphasis on the criminal malfeasance of the USAO, and Hersl's proof of innocence, he requests the Court to intervene the 2255 process prior to its conclusion and immediately release him from prison.

VERIFICATION

I have read the foregoing "MOTION TO RECUSE SCHENNING, WISE AND HINES FROM CASE with EMERGENCY CONSIDERATION REQUESTED" and hereby verify that the matters alleged herein are true, except as to matters alleged on information and belief, and as to those, I believe them to be true and correct. Executed at the U.S. Medical Center for Federal Prisoners, Springfield, Missouri, on this 7th Day of June, 2021.

Respectfully submitted,

Daniel Thomas Hersl By James Shott

Daniel Thomas Hersl

Federal Inmate # 62926-037

CERTIFICATE OF SERVICE

I certify under penalty of perjury that the forgoing "MOTION TO RECUSE SCHENNING, WISE AND HINES FROM CASE with EMERGENCY CONSIDERATION REQUESTED" was delivered by hand on the 7th Day of June, 2021 to:

United States District Court
Office of the Court's Clerk
101 West Lombard Street
Baltimore, Maryland 21201

Mr. Hersl respectfully requests the Court's Clerk Office to serve all other interested parties by electronic notification and serve the movant with a stamped and filed copy of this motion.